

REMARKS/ARGUMENTS

Claims 1-3, 5 and 7-39 are currently pending in the application. Claims 1-3, 5 and 7-39 were rejected in the Office Action mailed March 3, 2009 (hereinafter referred to as “Office Action”).

This amendment is being submitted with a petition for a three month extension of time to extend the due date from June 3, 2009 to September 3, 2009. In addition, this amendment is being submitted with a Request for Continued Examination. A credit card authorization for the required fees is being submitted herewith. The Commissioner is hereby authorized to charge any additional fees, or credit any refunds, to Chalker Flores, LLP’s Deposit Account No. 50-4863.

It is believed that no other fees are due at this time. In view of the following remarks and amendments, applicants respectfully request a timely Notice of Allowance be issued in this case.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-13, 18-30 and 34-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0055899 to Williams (hereinafter referred to as “Williams”) in view of Bruce Babcock: Trend Indicators and Price Components: Reality Based Trading Company, 1999 (hereinafter referred to as “Babcock”) further in view of U.S. Patent No. 6,665,558 to Kalgren (hereinafter referred to as “Kalgren”). In addition, claims 14-17 and 31-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Babcock further in view of Kalgren and further in view of U.S. Patent Application Publication No. 2002/0161692 to Loh et al. (hereinafter referred to as “Loh”). Applicants respectfully submit that claims 1-13, 18-30 and 34-39, as amended, are patentable over the cited references for at least the reasons described below.

Claims 1, 25 and 39

The Office Action indicated that Williams teaches the obtaining market information step recited in claim 1 because “market information of virtually any form of security is received from NASDAQ is displayed in the Display System (10).” (page 2, line 21-page 3, line 7). In addition, the Office Action also indicated that Williams teaches the displaying steps recited in claim 1 because “color changes according to activities indicating direction which equivalent showing favorable or unfavorable direction of the trade” (page 3, lines 8-16) and “movement indicator changes color according to auction participants raises or lower its bid or ask, which Examiner interprets equivalent to favorable / unfavorable trade indicator.” (page 3, line 17-page 4, line 3).

Applicants respectfully submit that although Williams teaches obtaining general market information and displaying visual change indicators, Williams does not explicitly disclose, teach or suggest obtaining the specific information recited in claims 1, 25 and 39:

- (a) a first set of market data for the currency pair based on *a series of consecutive first time intervals within the time period comprising a first opening value and a first closing value for each consecutive first time interval*;
- (b) a second set of market data for the currency pair based on *a series of consecutive second time intervals within the time period comprising a second opening value and a second closing value for each consecutive second time interval*; and
- (c) *the first time interval is not equal to the second time interval*.

In addition, applicants respectfully submit that Williams does not explicitly disclose, teach or suggest displaying the specific trade indicators recited in claims 1, 25 and 39:

a first visual favorable/unfavorable trade indicator for the first time intervals based on a comparison of the first opening value trend to the first closing value trend for the currency pair, wherein the first visual favorable/unfavorable trade indicator is a first color whenever *the first closing value trend is greater than the first opening value trend* and the first visual favorable/unfavorable trade indicator is a second color whenever *the first closing value trend is lower than the first opening value trend*; and

a second visual favorable/unfavorable trade indicator for the second time intervals based on a comparison of the second opening value trend to the second closing value trend for the currency pair, wherein the second visual favorable/unfavorable trade indicator is the first color whenever *the second closing value trend is greater than the second opening value trend* and the second visual favorable/unfavorable trade indicator is the second color whenever *the second closing value trend is lower than the second opening value trend*.

(emphasis added). Applicants respectfully submit that these specific limitations cannot be found within Williams. Moreover, there are no teachings in Williams that would lead one skilled in the art to infer that the specific data recited in claims 1, 25 and 39 should be obtained because the obtained data is used in calculations that the Office Action indicated were not taught by Williams. (page 4, lines 4-11). Similarly, there are no teachings in Williams that would lead one skilled in the art to infer that the specific trade indicators recited in claims 1, 25 and 39 should be displayed because the trade indicators are based on calculations that the Office Action indicated were not taught by Williams. (page 4,

lines 4-11). As a result, applicants respectfully submit that Williams does not disclose, teach or suggest all the elements in claims 1, 25 and 39 as indicated by the Office Action.

As previously mentioned, the Office Action indicated that “Williams does not teach calculating a first opening value trend for the first time intervals using a market trend indicator and the first opening values for the currency pair, and a second opening value trend for the second time intervals using the market trend indicator and the second opening values for the currency pair; calculating a first closing value trend for the first time intervals using the market trend indicator and the first closing values for the currency pair, and a second closing value trend for the second time intervals using the market trend indicator and the second closing values for the currency pair.” (page 4, lines 4-11). Applicants agree. The Office Action indicated that Babcock cures this deficiency. (page 4, lines 12-15). Applicants disagree because Babcock does not disclose, teach or suggest: (a) calculating trends for two different time intervals; (b) comparing an opening value trend to a closing value trend based on which one is above the other to determine a trade indicator for two different time intervals; and (c) displaying the trade indicators for the two different time intervals.

Applicants respectfully submit that Babcock does not disclose, teach or suggest calculating trends from two different time intervals or displaying the trade indicators for the two different time intervals because Babcock states “trend is only relevant in conjunction with a particular time frame. But once you identify the time frame, there is nothing fancy about the concept of trend.” (page 1, paragraph 4, lines 1-2). “Time frame” is singular. Note that Babcock tested every time period between 5 and 85 days to test his system for the purposes of his book (page 2, paragraph 2, lines 3-4), but he only used one constant time period (34 days) for his simulated trading. (page 2, paragraph 3, line 1).

Applicants respectfully submit that Babcock does not disclose, teach or suggest comparing an opening value trend to a closing value trend to determine a trade indicator for two different time intervals because Babcock used the “four simple trend indicators [each using] different price components” (page 1, paragraph 7, lines 1-2) separately (page 2, paragraph 1, line 1). They were not compared to one another. Moreover, Babcock’s Open/Close indicator “compares the sum of the closes with the sum of the opens over the trend time period” (page 3, paragraph 3, lines 2-3). It does not compute separately compute an opening value trend and a closing value trend and then compare them based on which one is above the other. Finally, Babcock’s combination indicator looks for three indicators (Momentum, Directional Movement and Open/Close) to point in the same direction at once (page 3, paragraph 5). It does not separately compute an opening value trend and a closing value trend and then compare them based on which one is above the other.

Note also that Babcock states that “the best indicator was the Combination” and the “Open/Close was the least effective.” (page 3, paragraph 7, lines 1-2). As a result, applicants respectfully submit that Babcock teaches against trading solely based on opening and closing trends.

For at least the foregoing reasons, applicants respectfully submit that Babcock does not cure the deficiencies of Williams.

The Office Action also indicated that “Williams does not teach simultaneous display of two different consecutive time series data for different time interval.” (page 5, lines 1-2). The Office Action indicated that Kalgren cured this deficiency. Applicant disagrees because the different data sets displayed in Kalgren are before CRM device parameter change and after CRM device parameter change. (col. 8, lines 21-32) Applying this concept to currency trading does not make sense: comparing a trend before a trade to a trend after a trade. Moreover, applicants respectfully submit that one skilled in the art of computer programming would not look at the display of Kalgren that correlates patent health information and implant device data for assistance in designing a display for trading trends for currency pairs.

For at least the reasons stated above, applicants respectfully submit that Williams, Babcock and Kalgren, either alone or in combination, do not disclose, teach or suggest every element recited in claims 1, 25 and 39. Accordingly, applicants respectfully submit that claims 1, 25 and 39 are not obvious over Williams in view of Babcock and further in Kalgren and are, therefore, allowable under 35 U.S.C. § 103(a). Applicants respectfully request that the rejection of claims 1, 25 and 39 be withdrawn.

Claims 2-3, 5, 7-24 and 26-38

Applicants respectfully submit that claims 2-3, 5, 7-24 and 26-38 depend from claims 1, 25 and 39 which are allowable for the reasons stated above, and further distinguish over the cited references. In addition, applicants respectfully submit that the cited references do not disclose, teach or suggest repeating the claimed steps for different time intervals” as recited in claims 20-22. Claims 2-3, 5, 7-24 and 26-38 are, therefore, allowable under 35 U.S.C. § 103(a). Accordingly, applicants respectfully request that any rejection of claims 2-3, 5, 7-24 and 26-38 be withdrawn.

In addition, applicants respectfully submit that Kalgren does not cure the deficiencies of Williams with respect to claims 9-10 for the reasons stated above.

Conclusion

For the reasons set forth above, applicants respectfully request reconsideration by the examiner and withdrawal of the rejections. Applicants submit that claims 1-3, 5 and 7-39, as amended, are fully patentable. Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the examiner has any questions or

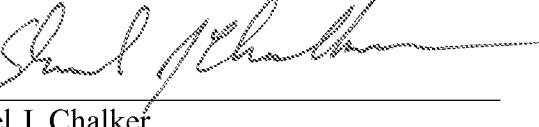
Appl. No. 10/691,257
Amdt. Dated Sep. 3, 2009
Reply to Office Action of Mar. 3, 2009

comments, or if further clarification is required, it is requested that the examiner contact the undersigned at the telephone number listed below.

Dated: September 3, 2009

Respectfully submitted,

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